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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,636	04/14/2004	Kenneth H. Abbott	890057.417C2	6519
500 7590 08/13/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER HAILU, TADESSE	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/824,636

Applicant(s)

ABBOTT ET AL.

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-20 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-17, 29-32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 18-20 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the AMENDMENTS filed June 5, 2007 for the above-identified patent application.

#### **Status of the claims**

2. The applicant canceled claims 1 through 7, and 21 through 28, and introduces new claims 29 through 35; thus, the pending claims 8-20 and 29-35 are examined herein as follows.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 8, 9, 12, 13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawano et al (6,697,836).

The current invention and Kawano are directed to providing information from two or more servers, via a mediate server through the communication medium to one or more clients. Consequently the claimed subject matter was anticipated by Kawano as follow:

With regard to 8:

Kawano discloses a computer-implemented method (**Figs. 7-10**) for providing mediated information (via **mediate server 100**, Fig. 1) about a current user state (**end user at a client 131**, Fig. 1) that is modeled with multiple state attributes (e.g., service requestor id, service requestor information and service requester terminal information) **client Id table 1051**, Fig. 3).

Kawano discloses receiving from a first source (**service providing server 141**) an indication of a first value for an indicated one of the state attributes of the modeled current user state (column 4, lines 60-column 5, lines 18).

Kawano also discloses receiving from a second source (another **service providing server 14n**) an indication of a second value for the indicated state attribute (column 4, lines 60-column 5, lines 18).

Kawano also discloses after an indication from a client for a value for the indicated state attribute, sending to the client a mediated value (via **mediate server**

**100)** for the indicated state attribute that is produced by mediating between available values for the indicated state attribute including at least the first and second values (column 5, lines 19-48).

With regard to 9:

Kawano also discloses that the indicated state attribute represents information about a user of the computer (see **client ID table 1051**).

With regard to claim 12:

Kawano also discloses that the indicated state attribute represents information about a cyber-environment of a user of the computer (see **client ID table 1051**).

With regard to claim 13:

Kawano also discloses that the indicated state attribute represents information about the computer (see **client ID table 1051**).

With regard to claim 17:

Kawano also discloses that the client indication is a request for the value for the indicated state attribute, and wherein the sending of the produced mediated value is in response to the receiving of the request (column 5, lines 19-48).

5. Claims 29-32, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt, et al., "There is more to Context than Location: Environment Sensing Technologies for Adaptive Mobile User Interfaces," 11/1998.

With regard to claim 29:

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Schmidt relates to an environment sensing technology for adaptive mobile user interface. Schmidt discloses combined sensors for recognition of higher-level contexts beyond specific physical condition (Abstract). By using said combined sensors (different sensors) Schmidt provides a method that determines user state for example, by receiving one or more sensor information relating to a user (the target user) (see sections 1, 3 and 4); and using the received sensor information determining the cognitive load (context levels of abstraction or context-awareness) of the user using the received sensor information (see Abstract, sections 1 and 3).

With regard to claim 30:

Schmidt discloses mediating values received from disparate sensors (e.g. mediating values from an active badge and GPS (see section 4).

With regard to claim 31:

Schmidt also discloses filtering (i.e., to determine appropriate value or to filter out uncertain values) (see sections 3-4).

With regard to claim 32:

Schmidt also discloses recognizing the exact or approximate location (via active badge and /or GPS) using one or more state attribute value (derived from combined sensors) (Abstract, sections 3-5).

With regard to claim 34:

Schmidt also discloses valuing respective received information as a function of source of the information (e.g., for example for attribute values associated to *Walking to the bus station, In a shop, and In a telephone box may include Bus schedule, Shopping list and Phone numbers* applications, respectively) (section 3).

With regard to claim 35:

Schmidt also discloses determining user physiological state from the received sensor information (sections 1-2, Fig. 1).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano, et al in view of Schmidt, et al., "There is more to Context than Location: Environment Sensing Technologies for Adaptive Mobile User Interfaces," 11/1998.

With regard to claims 10 and 11:

While Kawano describes client ID table holding/representing information about service requestor id, service requestor information and service requester terminal information, but Kawano fails to disclose that the client ID table to include representing information about a modeled mental state of the user, and a physical environment of a

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user of the computer. Schmidt describes the above shortcomings (see Fig. 1, page 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate in the client ID table of Kawano representing information about a modeled mental state of the user, and a physical environment of a user of the computer because such representation helps the system of Kawano to have more information about the end-user so that the system will be able to facilitate appropriate information when responding user's queries.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano in view of Brown et al., "Using Explicit Requirements and Metrics for Interface Agent User Model Correction," pages 1-7, January 1998.

While Kawano describes client ID table holding/representing information about service requestor id, service requestor information and service requester terminal information, but Kawano fails to disclose that the client ID table to include representing information about a current prediction about a future user state. Brown, on the other hand describes an accurate user model method that is necessary for effective prediction of user intent. (Brown, Abstract). Brown further describes representational complexity to manage the uncertainty and dynamics involved in predicting user intent and modeling user behavior (see Brown, section 1 Introduction). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate Brown's information agent (mediator) features that provides effective predication of user intent with Kawano's mediate server (or agent) so that the mediator



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will be able to provide a timely beneficial assistance (suggestions, tutoring, help, interface adaptations) to the user (see section 3, page 2 and section 3.1, page 4).

With regard to claim 15:

Kawano also discloses that the mediated value is pushed to the client in response to the receiving of at least one of the first and second values (Abstract, column 5, lines 19-65).

With regard to claim 16:

Kawano also discloses that requesting the first and second sources to supply the first and second values in response to the receiving of the request (Abstract, column 5, lines 19-65).

### ***Allowable Subject Matter***

8. Claims 18-20 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 7:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Cabeca, John can be reached at (571) 272-4048, Art Unit 2173.

12. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private -PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see [pair-direct.uspto.gov](http://pair-direct.uspto.gov) web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Examiner Tadesse Hailu*

*Art Unit 2173 - Operator Interface*

8/8/07

**TADESSE HAILU**

**Patent Examiner**